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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
DONNELLY, JEROME W

ART UNIT	PAPER NUMBER
3764	

MAIL DATE	DELIVERY MODE
09/12/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/800,273	PUBLICOVER ET AL.	
	Examiner	Art Unit	
	Jerome W. Donnelly	3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 3/19/08

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _____ is/are pending in the application. 65,68 and 71

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _____ is/are rejected. 65,68 and 71

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

JEROME DONNELLY
PRIMARY EXAMINER

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

In regard to applicants amendment to the pre-amble the word "Jump" fails to further limit the device.

The examiner further notes that applicants amended claims claiming "t least ten feet in diameter" if implied are not limited to a circular frame.

Given the above response to applicant's remarks, the examiner notes that the limitations of claims 65 and 68 are obvious in view of Osborne and Vail and the limitations of claim 71 as amended are obvious in view of Vail.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 65 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osborne in view of Vail.

In regard to the claims 65 and 68 applicant is reminded that the claims are not limited to a trampoline in its traditional sense.

Osborne discloses a device comprising a plurality of poles (2) couple together at their upper ends by members (10) attached to a flexible frame member for supporting a mattress/mat, each pole having an end positioned above an end positioned below a mat. Each of the poles are spaced apart from the other poles; and

An expanse of flexible material that is supported above the rebounding mat by the plurality of independent poles.

Osborne however does not address the height of his poles as being between five and eight feet tall.

Vail teaches a canopy having a height of about six feet. See Vail col. 1, line 40.

In view of the disclosure of about six feet and the known fact that beds are known to stand about two feet off of a floor the examiner notes that to manufacture the poles of Osborne to be between six and eight feet would have been obvious to one of ordinary skill in the art to accommodate the movement of a user, within, said bed.

In regard to applicants claims of "at least ten feet" the examiner notes that it is well known and obvious to manufacture a bed of at least "ten feet in diameter" so as to accommodate larger people or more than one large person.

In regard to claim 65 note cover (15) of Osborne.

Claim 71 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vail.

If claim 71 is interpreted in its broadest sense elements (16, 18, and 26) are combined to make-up one pole and elements 12, 14 and 22 are combined to make up a second pole of a plurality of poles. The poles are being attached to a frame (74, 76, 78, 80, 82 and 84) and a barrier expanse of flexible material that is supported above a rebounding mat by a plurality of poles.

The examiner further notes that element (64) is a mat.

As to the device being "ten feet in dia." The examiner notes that it is well known and obvious to manufacture a bed of ten feet in diameter to accommodate one or a plurality of large people.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Jerome Donnelly at telephone number (571)272-4975.

Jerome Donnelly

JEROME DONNELLY
PRIMARY EXAMINER